



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
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AUG 30 2012

Michele N. Siekerka,
Assistant Commissioner
Water Resources Management
New Jersey Department of Environmental Protection
Mail Code: 401-02A
PO Box 420
401 East State Street
Trenton, NJ 08625-0420

Dear Ms. Siekerka,

This is to provide you with the United States Environmental Protection Agency's (EPA's) initial reaction to our meeting in Trenton on August 16, 2012, in which you and other representatives of the New Jersey Department of Environmental Protection (NJDEP) provided to us and to other representatives from EPA Region 2, the NJDEP's plan to address pollution from combined sewer overflows (CSOs). We appreciate the opportunity to meet with you and your staff on this important public health and environmental matter and look forward to working with you to see this project move forward in a significant, meaningful way.

EPA notes that NJDEP does not propose to develop total maximum daily loads (TMDLs) for 303(d)-listed waters in the New York/New Jersey Harbor. EPA notes that NJDEP will require CSO communities to develop and implement Long Term Control Plans (LTCPs) using the "presumption approach" set forth in EPA's CSO Control Policy (Policy), 59 Fed Reg 18,688-18,698 (April 19, 1994). EPA also notes that NJDEP plans to use a regional approach in issuing individual permits to CSO communities who will cooperatively develop LTCPs with the Treatment Plant receiving the flows from the combined sewer systems.

NJDEP indicated its desire to require that LTCPs limit overflows from combined sewers to no more than an average of four events each year, which are the result of precipitation and which do not receive CSO Policy-defined minimum treatment. EPA further notes that pursuant to section 402(q) of the Clean Water Act, 33 U.S.C. § 1342(q), and in accordance with the CSO Policy, permittees must develop and implement a post-construction compliance monitoring program to demonstrate compliance with applicable water quality standards, including protection of designated uses, and the effectiveness of CSO controls.

We request that New Jersey incorporate its plan in its Performance Partnership Grant (PPG) workplan. Specifically, the PPG should include a schedule for issuing draft and final CSO individual permits. Also,

as we mentioned at the meeting, the PPG should include a list and a schedule for NJDEP to establish and submit to the EPA, TMDLs for any New Jersey waters / pollutants currently identified as high priority on the latest approved NJDEP 303(d) list. NJDEP's PPG should include a detailed schedule for the establishment and submission of TMDLs that NJDEP expects to submit to EPA during FY 2013 and FY 2014 and a more general schedule for the establishment and submission of TMDLs beyond the FY 2013 and FY 2014 timeframe. Staff from NJDEP and EPA are drafting language to this end for incorporation in the PPG.

We are working on the action items that we developed at our August 16 meeting. We have provided your staff with the Albany Pool permit language and a copy of signage that we have approved for the Jersey City Municipal Utilities Authority. We have provided an EPA headquarters contact regarding financial capability analysis. Additionally, attached is a list of the NJ CSO team from EPA, with contact information. These are our management and staff leads; however, we may include additional staff as necessary to benefit the process.

You also requested additional training from the EPA. EPA staff has recently provided training to NJDEP staff and we are very willing to provide additional training. Please have your staff contact Stan Stephansen at 212-637-3776 or stephansen.stanley@epa.gov with some idea of your training needs. We look forward to our next meeting in a few weeks.

Sincerely,



Dore LaPosta, Director

Division of Enforcement and Compliance Assistance



Joan Leary Matthews, Director

Clean Water Division

EPA Region 2 NJ CSO Team Members

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